

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	NO. 1:07-CV-00108
	:	
v.	:	
	:	
	:	OPINION AND ORDER
JOHNNY COLLINS	:	
	:	
	:	
	:	
	:	

This matter is before the Court on the Report and Recommendation in which the assigned Magistrate Judge recommended that the Defendant be found competent to stand trial (doc. 18). For the reasons indicated herein, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

On April 26, 2007, the Court ordered a psychiatric examination of Defendant Johnny Collins to determine if he was competent to stand trial (Id.). In the Magistrate Judge's Report and Recommendation, he notes that Defendant was evaluated at the Metropolitan Correctional Center in New York, New York, and the resulting report concluded that Defendant was competent (Id.). The Magistrate Judge held a competency hearing at which the psychiatric report was admitted into evidence, and both the government and defense counsel indicated no objections to the report's findings (Id.). After reviewing the evidence, the Magistrate Judge concluded that Defendant is competent to stand trial (Id.). The

Court finds the Magistrate Judge's conclusion to be correct.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Therefore, having reviewed this matter de novo pursuant to 28 U.S.C. § 636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 18), and finds that Defendant Johnny Collins currently possesses a rational and factual understanding of the proceedings against him, has the capacity to assist legal counsel in his defense, can rationally make decisions regarding legal strategy, and is therefore COMPETENT TO STAND TRIAL. See 18 U.S.C. 4241(d), see also Dusky v. United States, 362 U.S. 402 (1960).

SO ORDERED.

Dated: November 13, 2007

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge